THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.24401 of 1996

29th December 2006

Between:

Giridhar Ispat Pvt., Ltd., 117-B, Mittal Chambers, M.G.Road, Secunderabad, rep.by its Manager Bhavani Shankar Parikh.

...PETITIONER

AND

1. A.P.State Electricity Board, Rep.by its Secretary, Vidyut Soudha, Hyderabad.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO.24401 of 1996

ORDER:

This Writ Petition has been instituted questioning the orders passed by the Member Secretary, APSEB, Hyderabad on 08.11.1996 rejecting the request of the writ petitioner-Company to revise the electricity consumption charges bill for the month of September 1996.

The case of the writ petitioner is that restrictions have been imposed on consumption of electric energy by the High Tension (HT) consumers and such restrictions have been relaxed by the orders passed by the Electricity Board through their B.P. (General – Commercial) Ms.No.41 dated 07.09.1996. According to the writ petitioner, there are no restrictions imposed for HT consumers of 501 to 2000 KVA of contracted maximum demand, who fall within category 'C' of the classification attempted at by B.P.Ms.No.41. The case of the writ petitioner is that as per the decision in B.P.Ms.No.41 dated 07.09.1996, the billing for HT consumers up to 2000 KVA CMD shall be as per actuals for the consumption month of September 1996. Therefore, it is contended that the electric energy consumption bill for

the month of September 1996, which is for the period from 21.08.1996 to 20.09.1996 has got to be truncated into two parts; one part for the period from 21.08.1996 up to 07.09.1996 and the second part for the consumption from 07.09.1996 to 20.09.1996 whereas, the respondents have raised the bill for the month of September 1996 on 26.12.1996 taking actual consumption for the entire month as one single lot and on that basis, a bill for Rs.3,92,266/- (Rupees three lakh ninety two thousand two hundred and sixty six only) has been raised. As against this, the writ petitioner would assert that by bifurcating the electricity consumption for the month of September 1996 into two parts, as referred to supra, he is only liable to pay Rs.3,03,244/- (Rupees three lakh three thousand two hundred and forty four only). The writ petitioner would further assert that pursuant to the interim directions granted by this Court on 19.11.1996 in W.P.M.P.No.30130 of1996, the writ petitioner has paid a sum of Rs.45,000/- (Rupees forty five thousand only) for continuing the electric energy supply.

Sri K.Mohan Rami Reddy, learned Standing Counsel, who has been assisted by a Junior Accounts Officer of the organization, makes a statement across the bar that the respondents have committed a mistake in computing and calculating the electric energy consumption

charges with regard to the maximum demand for the month of September 1996 with reference to the writ petitioner and therefore, the statements made in the counter affidavit are inaccurate.

In view of this concession made by the learned Standing Counsel at the bar that the bill for the month of September 1996 has been erroneously computed, the Writ Petition is allowed with costs and the excess amount paid by the writ petitioner pursuant to the interim directions passed by this Court on 19.11.1996 shall either be refunded or adjusted against any arrears of consumption charges payable by the writ petitioner. Further, the said excess amount shall carry interest @ 9% per annum from November 1996 and it is open for the respondents to fix the accountability and responsibility for this erroneous consumption on any of the officials of the organization and recover the same from his salary or retiral benefits. Hearing fee is quantified at Rs.2,500/- (Rupees two thousand five hundred only).

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(NOOTY RAMAMOHANA RAO, J)

29th December 2006
RRB

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